

REMARKS

Claims 2, 4-6, 10, 11, 13 and 14 have been examined. Claims 13 and 14 are rejected under 35 U.S.C. § 112, first paragraph, claim 14 is rejected under 35 U.S.C. § 112, second paragraph and claims 2, 4, 5, 10 and 11 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claim 6 contains allowable subject matter and claims 13 and 14 would be allowable if amended to overcome the rejections under 35 U.S.C. § 112, first and second paragraphs.

I. Preliminary Matter

The Examiner has objected to claims 13 and 14 due to minor informalities. Accordingly, Applicant has amended the claims in a manner believed to overcome the objection.

II. Rejections under 35 U.S.C. § 112, first paragraph

The Examiner has rejected claims 13 and 14 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Accordingly, Applicant has amended the claims in a manner believed to overcome each point of the rejection.

III. Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claim 14 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant has amended claim 14 to remove the antecedent basis issues. Also, with regard to the method steps, the Examiner maintains that it is unclear whether

the base tread layer and/or the cap tread layer is being formed. Accordingly, Applicant has amended the claim to clarify which layer is being formed.

IV. Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent Publication No. 2002/0007893 to Koyama, WO 98/38050 to Verbrugghe (“Verbrugghe”) and JP 11-020426 to Kusano (“Kusano”)

The Examiner has rejected claims 2, 5 and 11 under 35 U.S.C. § 103(a) in view of Koyama, Verbrugghe and Kusano.

A. Claim 2

By this Amendment, Applicant has incorporated the allowable subject matter of claim 6 into claim 2. Accordingly, the rejection of claim 2 is now moot.

B. Claims 5

Applicant submits that claim 5 is patentable at least by virtue of its dependency.

C. Claim 11

Claim 11 recites features that are analogous to the features of claim 2. By this Amendment, Applicant has incorporated subject matter analogous to the allowable subject matter of claim 6 into claim 11. Accordingly, the rejection of claim 11 is likewise now moot.

V. Rejection under 35 U.S.C. § 103(a) in view of Koyama, Verbrugghe, Kusano and JP 11-129713 to Shinichi et al. (“Shinichi”)

The Examiner has rejected claims 4 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Koyama, Verbrugghe, Kusano and Shinichi. Applicant submits, however, that claim 4 is patentable at least by virtue of its dependency upon claim 2.

VI. Rejection under 35 U.S.C. § 103(a) in view of Koyama, Verbrugghe, Kusano and EP 1201397 to Ohki (“Ohki”)

The Examiner has rejected claim 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Koyama, Verbrugghe, Kusano and Ohki. Applicant submits, however, that claim 10 is patentable at least by virtue of its dependency upon claim 11.

VII. Allowable Subject Matter

The Examiner has indicated that claim 6 contains allowable subject matter and claims 13 and 14 would be allowable if amended to overcome the rejections under 35 U.S.C. § 112, first and second paragraphs. In view of the amendments to claims 13 and 14, Applicant submits that such claims should now be in condition for allowance. Also, since claim 6 has been incorporated into claim 2, Applicant has canceled claim 6 without prejudice or disclaimer.

VIII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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